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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,251	07/23/2003	William P. Larson	5416400-0001	9304

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,251

Applicant(s)

LARSON, WILLIAM P.

Examiner

Robert J. McCarry, Jr.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Abrams (US 5,283,967).

Abrams discloses a metal frame assembly 20 comprised of an upper frame member 21, lower frame member 22 and two side frame sections 23, 24. Each frame member has a flange made up of a vertical section and horizontal section connects to each other at a right angle. The flanges are shown best in figure 5. The flange on the side member of the frame runs in line with the hinge shown, and intersects the top flange arrangement at the corner of the frame. Each flange has an inner face and an outer face, facing towards the display window 29. A back cover 30, also made of metal, is hingedly connected to the front frame 20, so as to allow for it to be open and closed. The hinge assembly 55 is shown in figures 1 and 2 and best shown in the close up view of figure 5. A compressible adhesive 37 is applied to the front side of the back cover 30 to hold the decorative indicia 40. The compressible material is made of a paper material and with the back cover 30 has a combined thickness that is about equal to the flanges of the front frame assembly 20. A hinged tab 60 is positioned on the outside edge of the back frame member 30 so as to rest on a flange of the upper frame 20 when the assembly is closed; the tab is also used to pull the assembly open. Figures 7 and 8

Art Unit: 3617

show a bracket for hanging the assembly from a wall. The bracket is connected to a top of the frame assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams as described above in view of Reinhard (US 6,209,248).

Abrams discloses the structure of a frame assembly as described above. Abrams also provides a transparent panel 39 for viewing the indicia of the frame. Abrams however, does not disclose the steps of providing a commercially available frame nor does Abrams disclose the step of mating a frame with the frame assembly as described above. Reinhard discloses a standard commercially available picture frame. It would have been obvious to one of ordinary skill in the art to have mated a frame, like that of Reinhard, to a frame assembly, like that of Abrams, so as to provide added protection of the frame from the environment and other environmental elements that could damage the frame if it were of extreme value or holding an artifact or artwork of extreme value.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andrews (US 3,680,239), Shadwell (US 4,947,565), Smith (US

Art Unit: 3617

5,005,869), Chang (US 5,253,440) and Lebrun (US 6,578,305) all disclose various types of picture frames.

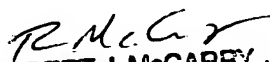
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM

August 31, 2004


ROBERT J. MCCARRY, JR.
PATENT EXAMINER
3617
8/31/04